



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Petition for Surcharge Against Former Administrator for Breach of Duty

DOD: 11/15/2002	PUBLIC ADMINISTRATOR , Successor Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 11/02/2015: Counsel requests additional time. Timothy Tomlin is ordered to be personally present in Court or via Court Call on 12/07/2015.
	<p>Petitioner states: on June 21, 2007, the Court issued a minute order reading, "the court orders the Public Administrator is appointed...Personal Representative Christopher O'Neal is Removed."</p> <p>The Court is respectfully referred to the PA's status report filed on 05/20/2014. Therein, the PA reported that she has been unable to make contact with any of the heirs, including the former administrator.</p> <p>On 03/29/2004, the former administrator filed a final Inventory and Appraisal showing the value of the estate to be \$145,000.00 consisting solely of real property. The PA was able to determine that Christopher O'Neal put the property in his name, took out a loan against it, and then lost the house to foreclosure. He used part of the loan proceeds to purchase a new pick up, which the PG was able to marshal and sell for \$16,400.00.</p> <p>Christopher O'Neal never filed an accounting with the Court or provided any documents to the PA as directed by the Court. Due to his breach of fiduciary duty as personal representative, he should be surcharged the full value of the estate, \$145,000.00, less the amount recovered, \$16,400, for a total surcharge of \$128,600.</p> <p>On 12/08/2003, proof of a \$50,000 bond was filed, as required by the Court. The bond company that issued it was Western Surety Company. Since it appears the PA will not be able to collect the judgment from Christopher O'Neal, he requests an order directing Western Surety Company, or the successor of that company, to pay the \$50,000 bond to the PA. Proper notice of this hearing will be given to the bond company.</p> <p>Wherefore, petitioner prays for an order that:</p> <ol style="list-style-type: none"> 1. The Court find Christopher O'Neal breached his fiduciary duty as personal representative of the above-named estate; 2. The Court find that Christopher O'Neal's breach cost the estate the amount of \$128,600, and surcharge him that amount; 3. The Court make an order that Western Surety Company, or any successor of that company, be ordered to pay the bond of \$50,000 to the PA; and 4. The Court make any other proper orders. <p><u>Please see additional page for Objection</u></p>	
Cont. from 031615, 072015, 092115, 110315		
Aff.Sub.Wit.		
✓ Verified		
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV Reviewed on: 11/30/2015 Updates: Recommendation: 1A – O'Neal File 1A – O'Neal

Objection to Petition for an Order of Surcharge and Demand for Evidentiary Hearing After Completion of Discovery filed on 03/09/2015 by Attorney Timothy J. Tomlin for Western Surety Company states they object to the Petition for surcharge filed by the Fresno County Public Administrator and requests an evidentiary hearing be set in late 2015 to permit WSC sufficient time to defend the allegations raised in the petition.

WSC issued a \$50,000.00 fiduciary bond to secure the faithful performance of fiduciary Christopher O'Neal as administrator. As such, it may be jointly and severally liable for any defalcations committed by Mr. O'Neal. WSC is an "interested person" in this proceeding and is entitled to participate in discovery and otherwise defend the surcharge claim to minimize any potential exposure on the administrator bond.

WSC and the personal representative Christopher O'Neal are entitled to an evidentiary hearing on the allegations raised. Each of the categories of alleged misconduct and related issues must be fully explored prior to the imposition of any surcharge. Ultimately, a trial may have to be set if a settlement cannot be reached and evidence hearing on the allegations. The Court should afford WSC and Mr. O'Neal with an opportunity to defend the allegations. This prevents the injustice of binding the principal and the sureties to the consequences of a proceeding in which there has been an insufficient opportunity to engage in discovery, present evidence, and cross examine the witnesses.

For the foregoing reasons, WSC requests that the Court set an evidentiary hearing with a time estimate of three (3) days for a date in August, 2015.

1B Marqueeenia O'Neal (Estate) Case No. 03CEPR01456**Atty Kruthers, Heather (for Public Administrator – Successor Administrator)****Atty Tomlin, Timothy J. (for Western Surety Company - Objector)****Probate Status Hearing RE: Settlement**

	PUBLIC ADMINISTRATOR , was appointed Successor Administrator on 06/21/2007. Letters issued on 3-3-08.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 11/02/2015: Counsel requests additional time. Timothy Tomlin is ordered to be personally present in Court or via Court Call on 12/07/2015.
Cont. from 092115, 110315		
Aff.Sub.Wit.		
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 11/30/2015
		Updates:
		Recommendation:
		File 1B – O'Neal

1B

Conservator

Greatrake, Robin

Probate Status Hearing RE: Receipt of Transfer

Age: 36 years	<p>ROBIN GREATRAKE, mother, was appointed Conservator of the Person on 8/7/2007.</p> <p>Court Investigator Charlotte Bien filed a <i>Petition for Transfer</i> on 8/27/2015 requesting this proceeding be transferred to the Superior Court of California, County of San Joaquin, because the Conservatee has resided in Stockton in San Joaquin County for over 1 year.</p> <p>On 10/07/15, the Court granted the Petition for Transfer and set this matter for a status hearing regarding receipt of Transfer from San Joaquin County.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 02/22/16</u> For Receipt of Transfer per Probate Dept. Mgr.</p>
Cont. from		
Aff.Sub.Wit.		
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Inventory		
PTC		
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Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: JF</p> <p>Reviewed on: 11/30/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Timmerman</p>		

**3 Timothy Worden, Samantha Worden, Jason Worden and Joshua Worden
(GUARD/P)**

Case No. 07CEPR00886

Petitioner Bolin, Jill (pro per – mother)

Petition for Termination of Guardianship

Timothy, 12	JILL BOLIN, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need <i>Notice of Hearing</i> . 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Ernestine Worden (paternal grandmother/guardian) b. Dustin Worden (father) c. Bob Worden (paternal grandfather) d. Timothy Bolin (maternal grandfather) e. Maternal grandmother 3. Need CI report and clearances.	
Samantha, 11	ERNESTINE WORDEN, paternal grandmother, was appointed as Guardian of the minors on 07/15/08.		
Jason, 11	Father: DUSTIN WORDEN		
Joshua, 8	Paternal grandfather: BOB WORDEN		
Cont. from	Maternal grandfather: TIMOTHY BOLIN		
Aff.Sub.Wit.	Maternal grandmother: UNKNOWN		
✓ Verified	Petitioner states that guardianship is no longer necessary. She has her own home now and has completing parenting classes. Petitioner states that the children want to live with her. Court Investigator Jennifer Young filed a report on – NEED REPORT.		
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			x
Aff.Mail			x
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report	x		
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 11/30/15	
		Updates:	
		Recommendation:	
		File 3 - Worden	

Attorney

Kruthers, Heather H. (for Public Administrator – Successor Administrator – Petitioner)

Amended Petition for Surcharge Against Former Administrator for Breach of Fiduciary Duty

DOD: 7/11/08		<p>PUBLIC ADMINISTRATOR, Successor Administrator, is Petitioner.</p> <p>Petitioner states Jo Anne Ruth Fuchs was appointed as administrator of the estate on 12/8/09 with \$30,000.00 bond, which was filed 1/8/10. Ms. Fuchs was removed as administrator per minute order 3/15/13.</p> <p>A Partial I&A was filed by the former administrator consisting of vehicles and trailers, total value \$8,100. The PA filed a Final I&A on 1/28/15 showing an additional value of \$15,950 consisting of vehicles and trailers. The PA filed a Supplemental I&A on 9/9/15 showing an additional value of \$4,200.00. The total appraised value of the estate is \$28,250.00.</p> <p>Ms. Fuchs sold the following items from the 2010 I&A:</p> <ul style="list-style-type: none"> • 1955 Peterbilt Truck: \$400 • 1956 Peterbilt Truck: \$400 • 1970 Chevrolet Pickup: \$7,000 <p>Ms. Fuchs sold the following items from the 2015 I&A:</p> <ul style="list-style-type: none"> • 1979 Boat Trailer: \$900 • 1979 Belmont Boat: \$5,000 • 1973 Trailer: \$150 • 1982 Chevy El Camino: \$5,000 • 1970 Chevrolet Pickup: \$7,500 <p>The PA sold the following items from the 2010 I&A:</p> <ul style="list-style-type: none"> • 1970 trailer dolly: \$300 <p>The PA sold the following items from the 2015 I&A:</p> <ul style="list-style-type: none"> • Striped Motorboat: \$200 • Flatbed Utility Trailer: \$1,000 • Misc. motors and parts: \$400 <p>The PA was able to recover \$1,900 worth of assets to sell, so Ms. Fuchs misappropriated \$26,350.00 worth of assets. She admitted to the PA that she sold the items and kept the money. Therefore, she should be surcharged the amount of \$26,350.00.</p> <p>Petitioner requests an order that:</p> <ol style="list-style-type: none"> 1. The Court find that Jo Ann Ruth Fuchs breached her fiduciary duty as personal representative of the above-named estate; 2. The Court find that Ms. Fuchs' breach cost the estate the amount of \$26,350.00 and surcharge her that amount; 3. The Court make an order that Western Surety Company, or any successor of that company, be ordered to pay the bond of \$26,350.00 to the PA; and 4. The Court make any other proper orders. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>See Page 2.</p>
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
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<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Reviewed by: skc

Reviewed on:
11/30/15

Updates:

Recommendation:

File 4 - Esparza

Page 2

NEEDS/PROBLEMS/COMMENTS:

1. Examiner previously noted that the Judgment Determining Ownership filed 12/9/10 included a 1993 Chevrolet Silverado Pickup that was not identified in any of the I&As filed, and questioned what happened to this vehicle?

Response to Examiner Notes filed 9/4/15 indicated that the PA had no knowledge of this asset; therefore, the value should be sought in the amended surcharge petition.

However, this amended petition does not mention the 1993 Silverado or seek surcharge for the value. The Court may require clarification.

Second and Final Account and Report of Conservator and Petition for Its Settlement; Request for Approval of Payment of Conservator's Fee; for Approval of Payment Conservator's Attorneys' Fees and Costs; Delivery of Remaining Assets to Personal Representative; and Termination of Conservatorship Proceedings

DOD: 4/17/15		BRUCE D. BICKEL , Conservator of the Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Anita Leal-Idrogo, Daughter, was appointed Executor of the Estate of Mildred Haney aka Mildred Leal on 8/12/15 in 15CEPR00657. 1. Need order. See Local Rules 7.1.1.F and 7.6.1. Note: Attorney Denning submitted a proposed order re his fees only.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
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✓	Notice of Hrg		
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620(c)		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Account period: 7/1/13 – 4/17/15 Accounting: \$2,221,511.03 Beginning POH: \$2,081,185.53 Ending POH: \$1,936,816.69	
		Account period: 4/18/15 – 6/30/15 Accounting: \$1,945,107.78 Beginning POH: \$1,936,816.69 Ending POH: \$1,931,805.63 (\$16,868.31 cash plus a brokerage account and misc. personal property items)	
		Conservator: \$30,122.75 (for 251.86 hours at an effective rate of \$119.60/hr, per Declaration. Petitioner states effective 9/1/14, to maintain efficiency and cost-saving delegation of work, Petitioner retained the services of Matthew Bickel, a licensed professional fiduciary, and his staff, to provide fiduciary support services to Petitioner for the benefit of the Conservatee and the estate. All acts and services rendered by Matthew Bickel and his staff were necessary and required and performed at the request and under the delegation and supervision of Petitioner as Conservator. Matthew Bickel is also the son of Petitioner. With that exception, Petitioner has not hired any other person who has a family or affiliate relationship.	
		Attorney (Dowling Aaron, attorneys for Conservator of the Estate): \$7,065.50 (for 22.4 hours @ \$240-290/hr, with reductions, per Declaration filed 12/2/15)	
		Attorney (Bergstrom, attorney for Harry Baker, Conservator of the Person): \$7,800.00 (for 35 hours @ \$300/hr, as set forth in Declaration filed 11/23/15)	
		Attorney (Denning, attorney for Conservatee): \$4,100.00 (Note: Declaration of Stephen M. Denning requests \$3,775.00 , for 15.10 hours @ \$250/hr for services in connection with appointment of a conservator.)	
		Closing: \$2,500.00	
		Costs: \$520.50 (filing, certified copies)	
		SEE PAGE 2	

Page 2

Petitioner prays for judgment of this Court that:

1. Notice of hearing of this account, report and petition be given as required by law;
2. The Second Account and Report be settled, allowed and approved as rendered, and all acts and transactions of Bruce D. Bickel as Conservator of the Estate set forth in it, or relating to matters set forth in it, be ratified, confirmed and approved;
3. At the end of the supplemental accounting period, the Petitioner has on hand assets with a value of \$1,931,805.63, of which \$16,868.31 is cash;
4. Petitioner be authorized and directed to pay the following amounts for fiduciary services:
 - to Bruce D. Bickel: \$20,425.20
 - to Matt Bickel Fiduciary Support Services: \$9,697.55
 - Total: \$30,122.75
5. Petitioner be authorized and directed to pay to the law firm of Dowling Aaron Incorporated, Petitioner's attorney, attorney's fees in the amount of \$7,065.50 for legal services rendered through termination of the conservatorship proceeding, and reimbursement for out of pocket costs in the amount of \$520.50 as full satisfaction for legal services rendered during the period of this account;
6. Petitioner be authorized and directed to pay Robert Q. Bergstrom, attorney for Conservator of the Person Harry Baker, reasonable attorney's fees in an amount approved by the court;
7. Petitioner be authorized and directed to pay Stephen M. Denning, attorney for Conservatee, reasonable attorney's fees in an amount approved by the court;
8. Petitioner be authorized to withhold a reserve in the amount of \$2,500.00 for closing expenses and as a reserve for any liabilities that may hereafter be determined to be due from the conservatorship estate, and to deliver the unused part to Anita Leal Idrogo, Executor of the Estate of Mildred Haney, without further court order of the court;
9. The Court authorize and direct Petitioner to transfer and deliver any and all property remaining in the Conservatorship Estate, subject to payment of the above fees, to Anita Leal Idrogo, Executor of the Estate of Mildred Haney;
10. The Conservatorship be terminated, with Conservator to be discharged and surety bond released upon the Conservator's filing of a receipt evidencing transfer of assets to the estate; and
11. Such further orders be made as the Court deems proper.

6 Isaac Roman, Ilin Roman & Ilyssa Roman (GUARD/P)**Case No. 13CEPR00983**

Petitioner Roman, Guillermo (Pro Per – Maternal Grandfather)

Petitioner Avila, Maria Guadalupe (Pro Per – Maternal Grandmother)

Petition for Appointment of Guardian of the Person

Ilyssa age: 3 mons.	<u>TEMPORARY EXPIRES 12/7/15</u>	NEEDS/PROBLEMS/COMMENTS:
	MARIA G. AVILA and GUILLERMO ROMAN , maternal grandparents, are petitioners.	This petition is as to ILYSSA ROMAN only.
	<u>Please see petition for details</u>	Petitioners were previously appointed as guardian for Isaac and Ilin (3/27/14).
Cont. from		Minute Order of 10/13/2015 regarding the Temporary Petition states: Petitioners are informed that the father needs to be served.
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
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<input type="checkbox"/> Pers.Serv.	x	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	x	
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 11/30/2015
		Updates:
		Recommendation:
		File 6 - Roman

**First and Final Account and Report of Status of Administration of
Administrator and Petition for Settlement Thereof; Waiver of Administrator's
Fees, Waiver of Attorney's Fees and for Final Distribution**

DOD: 7/16/2002		ELGERON GRAVES , Administrator, is petitioner. Account period: 4/14/15 – 9/30/15 Accounting - \$135,000.00 Beginning POH - \$135,000.00 Ending POH - \$135,000.00 Administrator - waives Attorney - waives Distribution pursuant to intestate succession and assignments of interest is to: Roy Graves, Jr. - 25% interest in real property. Daniel Graves - 25% interest in real property. Dolores G. Simon - 25% interest in real property. Doris G. Duke - 25% interest in real property.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input checked="" type="checkbox"/>	Notice of Hrg		
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<input checked="" type="checkbox"/>	Letters 4/15/14		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 12/1/15	
		Updates:	
		Recommendation: SUBMITTED	
		File 7 - Graves	

**First and Final Account and Report of Administrator and Petition for its Settlement,
for Allowance of Compensation to Administrator and Attorneys for Ordinary Services and Extraordinary Services
and for Final Distribution**

[illegible]

NEEDS/PROBLEMS/COMMENTS:

1. The proposed distribution does not match the decedent's will. Article Fifth of the will devises the residue of the estate $\frac{1}{2}$ to Sheryle Kermoyan and $\frac{1}{2}$ to Rose Kermoyan. Both Sheryle and Rose survived the decedent; therefore, it appears this estate should be distributed $\frac{1}{2}$ to Sheryle Kermoyan and $\frac{1}{2}$ to the Estate of Rose Kermoyan (DOD: 02/27/14; case No. 15CEPR00620).
2. The Petition indicates that distributions were made for the benefit of Leo Kermoyan, Kathy Kermoyan and the Estate of Rose Kermoyan and lists these distributions as "receivables" that are estate assets distributed to the beneficiaries. These distributions appear to constitute preliminary distributions made without a court order, and in the case of Leo and Kathy Kermoyan, were paid to parties that are not beneficiaries of this estate. It appears that Leo and Kathy Kermoyan will need to repay these distributions to the estate.
3. The Petition indicates that the Estate of Rose Kermoyan received \$9,203.15 in preliminary distributions. Need receipt from the personal representative of the Estate of Rose Kermoyan (Leo Kermoyan) for these preliminary distributions.
4. Need Order. **Note:** Pursuant to Local Rule 7.12.6B – Where the closing reserve is in excess of \$5,000.00, an order for final distribution of an estate shall specifically set forth the use that may be made of the funds retained for closing reserve.

Note: Pursuant to Local Rule 7.12.6, a Status Hearing will be set as follows:

- **Monday, June 6, 2016 at 9:00 a.m. in Dept. 303** for an Informal Accounting of the \$7,500.00 closing reserve.

Pursuant to Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. **Filing of the informal accounting of closing reserve will not generate a new hearing date.**

Probate Status Hearing Re: Review Need for Conservatorship

Age: 37	PUBLIC GUARDIAN , was appointed Successor Conservator of the Person with medical consent powers on 06/08/15. Letters of Conservatorship were issued on 06/12/15.	NEEDS/PROBLEMS/COMMENTS: 1. Need status report regarding need for continued conservatorship.
Cont. from	Minute order from 06/08/15 set this status hearing re: Review need for Conservatorship.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 11/30/15
		Updates:
		Recommendation:
		File 9 - Keys

Probate Status Hearing RE: Receipt for Blocked Account

		<p>DEBORAH TITUS, Conservator, petitioned the court for an Order Confirming Sale of Real Property.</p> <p>The Order Confirming Sale of Real Property was signed on 7/29/15. The proceeds from the sale were ordered placed into a blocked account.</p> <p>Minute Order dated 7/29/15 set this status hearing for receipt for blocked account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: A Status Hearing for the Filing of the First Account was set for 12/21/15. The court is dark on 12/21/15. Therefore, the Court may wish to reschedule the status hearing for January 13, 2016 at 9:00 a.m. in Dept. 303.</p> <p>Continued from 8/10/21/15 to be heard with the petition on page 10B.</p> <p>1. Need receipt for blocked account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 082615, 102115			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.		<p>Status Report filed on 10/19/15 states the 1/2 interest in real property asset of the estate was sold, yielding net proceeds of \$33,452.57. The check in payment of same remains with the attorney for the conservator.</p> <p>A Petition for Order Directing Establishment of a Pooled Special Needs Trust has been filed to create a pooled special needs trust into which these proceeds will be deposited upon its creation, in order to avoid the Conservatee losing her Medi-Cal benefits.</p>	<p>Reviewed by: KT</p> <p>Reviewed on: 12/2/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10A – Dolby</p>
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

**Petition for Order Directing Establishment of a Pooled Special Needs Trust,
Setting Bond, Authorizing Trustee's Fees, and Approving Attorney's Fees**

		DEBORAH TITUS , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: a. Florence E. Dolby b. Department of Health Care Services. c. Department of State Hospitals. d. Department of Developmental Services. 3. Petition make reference to Exhibits A and B. No exhibits were attached to the Petition. 4. Need copy of proposed special needs trust. 5. Probate Code §3604(d) states and order for payment of money to a special needs trust shall include a provision that all statutory liens in favor of the Department of Health Care Services, the State Department of State Hospitals, the State Department of Developmental Services, and any county or city and county in the state shall first be satisfied. Petition does not address whether or not any liens have been satisfied. Please see additional page
		Petitioner states conservatee's disabilities require her to have help with daily activities. She resides at Sierra Vista Healthcare Center, where she receives 24-hour care. Because of her disabilities conservatee receives Social Security survivor benefits, Medicare and Medi-Cal health care services.	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
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		<p>On 8/21/15, conservatee's ½ interest in real property, her prior residence, was sold. Conservatee will receive \$37,452.57. The outright distribution of this sum to her will render her ineligible for Medi-Cal, which is an essential component of the funding stream which provides for her group home placement. Therefore, to retain eligibility for these essential public benefits, proceeds from the sale of the conservatee's residence must be transferred to a pooled special needs trust.</p> <p>Petitioner proposes that Conservatee's share of the sale proceeds be deposited with the Golden State Pooled Trust. The proposed Golden Pooled Trust meets the requirements of 42 U.S.C. 1396(d)(4)(C), as modified by 22 C.C.R. §50489.9.</p> <p>The Golden Statue Pooled Trust was created, and is managed by the North Bay Housing Coalition, a California not-for-profit corporation located in Napa, California. Currently there are approximately 130 beneficiaries of the Golden State Pooled Trust with sub-accounts totaling almost \$10.5 million.</p> <p align="center">Please see additional page</p>	
		Reviewed by: KT Reviewed on: 12/2/15 Updates: Recommendation: File 10B - Dolby	

The proposed Golden State Pooled Trust also meets all the requirements of California Rules of Court 7.903(c).

The Petitioner, Deborah Titus, the conservator of the Person and Estate, shall serve as the Beneficiary Advocate. All distributions requested by the Beneficiary Advocate are reviewed by Golden State Pooled Trust for appropriateness and compliance with benefit laws.

Pursuant to Probate Code §2643, Petitioner requests that the Court authorize the Trustee to receive an initial \$1,500.00 set up fee, and annual payments on account at the rate of 1.5% of the funds in the individual sub-account or \$1,500.00, whichever is greater.

Petitioner requests that the trust be authorized to invest in mutual funds with a terms longer than five years.

Petitioner requests attorney fee for her attorney, Gary Bagdasarian as set forth in the Declaration of Gary Bagdasarian. (**Note:** As of 12/1/15 Declaration of Gary Bagdasarian has not been filed.)

Wherefore, Petitioner prays for an Order:

1. Directing the establishment of a Pooled Special Needs Trust for Florence E. Dolby for receipt of the proceeds from the sale of her ½ interest in her former residence;
2. Authorizing and directing the Conservator to execute the necessary documents including the Joinder Agreement, in order to establish Florence Dolby's account in the Golden State Pooled Trust in accordance with the Court-Directed Joinder Agreement;
3. Authorizing the Trustee of the Golden State Pooled Trust to invest in mutual funds held and traded within the United States, and in government bonds maturing in less than five years;
4. Setting bond in the amount of \$34,000.00 to be secured by the Trustee of the Golden State Pooled Trust;
5. Authorizing Golden State Pooled Trust a \$1,500.00 set up fee, and ongoing fees paid on account at the rate of 1.5% per annum with a \$1,500.00 minimum, with said fees to be reported and confirmed by the Court at the time of periodic accountings;
6. Requiring periodic accounts and reports of the Trustee to be filed with the Court in accordance with procedures and schedule set forth in the California Probate Code;
7. Authorizing and directing the Trustee to pay Gary Bagdasarian for legal services and costs in an amount approved by the court, and set forth in the Declaration of Gary Bagdasarian.

NEEDS/PROBLEMS/COMMENTS (cont.):

6. Need Declaration of Gary Bagdasarian re: attorney fees.
7. Need proof of service, 15 days prior to the hearing of the Declaration of Gary Bagdasarian re: attorney fees on all interested parties.
8. Petition request authority to invest in mutual funds with a maturity date greater than five years. Prayer allows the investment in mutual funds and government bonds maturing in less than five years. Need clarification.
9. Petition requests authority to invest in mutual funds with a maturity date greater than 5 years. Given the fact that the beneficiary is almost 99 years old, is this request practical?
10. Need order.

Please see additional page

Dept. 303, 9:00 a.m. Monday December 7, 2015

If the petition is granted the special needs trust will need to be filed into a new case file.

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, January 27, 2016** at 9:00 a.m. in Department 303, for the opening of a new Special Needs Trust file and filing of the bond.
- **Wednesday, February 22, 2017** at 9:00 a.m. in Department 303, for the filing of the first account in the Special Needs Trust.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

11A Eugene & Evelyn Ford Family Trust**Case No. 14CEPR00485****Atty Keeler, William J. (for Susan Ford Frantzich – Beneficiary – Petitioner)****Atty Chielpegian, Mark E. (for Casey S. Rogers – Trustee – Respondent)****Amended Petition for Determination of Validity of Trust Amendment**

Eugene M. Ford DOD: 4-25-93		SUSAN FORD FRANTZICH , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
Evelyn I. Ford DOD: 12-23-13				
		<p>Petitioner states she is the daughter of decedents Eugene M. Ford and Evelyn Irene Ford and is a beneficiary of the Eugene M. and Evelyn I. Ford Family Trust dated 1-7-91. (Exhibit A)</p> <p>Petitioner states Casey Scott Rogers has been acting as Successor Trustee since the death of Mrs. Ford on 12-23-13 pursuant to the Ninth Amendment to Declaration of Trust.</p> <p>The Fords had three children: Nancy Lee Ford of Cambria, CA, Susan Jean Frantzich of Clovis, CA, and Patricia Elaine Coffman of Sanger, CA. The original trust named Nancy, Susan, and Patricia as successor co-trustees.</p> <p>Petitioner states the trust property includes, <i>inter alia</i>, real property known as the Quail Oaks Ranch. Among other provisions, the trustee had the power to "apportion and allocate assets of the trust estate" at Section 8.08A. The trust also gave the surviving spouse the power to "amend, revoke, or terminate" the Survivor's Trust at Section 2.03(D).</p>	<p><u>SEE ADDITIONAL PAGES</u></p> <p>Minute Order 9/14/15: Ms. Gould reports that the related estate case (14CEPR00536) is in appeals; the opening brief was just filed last week so the appeal could go on for the next year. Mr. Cobb requests that the issue of ownership of the Tollhouse property be reserved and that the accounting be approved. The matter is continued in order for Mr. Keeler to be present.</p> <p>Note: Mr. Rogers filed two discovery motions on 11/3/15 that are set for hearing on 1/6/16.</p> <p>Note: It does not appear trial has been set in either this matter or the matter at Page B.</p>	
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<input type="checkbox"/>	FTB Notice			
			<p><u>SEE ADDITIONAL PAGES</u></p>	
			<p>Reviewed by: skc</p> <p>Reviewed on: 11/30/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11A – Ford</p>	

11A

Page 2**Petitioner states:**

- On 12-1-92, Mr. and Mrs. Ford signed the 1st Amendment, which amended the trust to name A. Douglas Flint, in the alternative Michael S. Pistoresi, as successor trustees, among other changes. (Exhibit B)
- On 4-25-93, Mr. Ford died and Mrs. Ford became the sole trustee.
- On 6-21-96, Mrs. Ford signed the 2nd Amendment, which amended the trust to appoint the Survivor's Trust to her then-living daughters. (Exhibit C)
- On 1-16-03, Mrs. Ford signed the 3rd Amendment, revoking the 1st and 2nd Amendments and amending the trust to name Nancy, Susan and Patricia as successor co-trustees. (Exhibit D)
- On 6-12-03, Mrs. Ford signed the 4th Amendment, revoking the 3rd Amendment and appointing the Survivor's Trust to her then-living daughters. The 4th Amendment also amended the trust to name Robert G. Carter as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit E)
- On 10-24-03, Mrs. Ford signed the 5th Amendment, appointing \$12,500 each to Ronald McKenzie, Joanne Stanion, and Samantha Cole. (Exhibit F)
- On 7-7-09, Mrs. Ford signed the 6th Amendment, revoking all previous amendments and appointing Casey Scott Rogers as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit G)
- On 3-29-12, Mrs. Ford signed "a trust amendment" naming Petitioner Susan Frantzich as successor trustee. (Exhibit H)
- On 5-10-12, Mrs. Ford signed the 8th Amendment, revoking all prior amendments and appointing James M. Bell as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit I)
- On 3-6-13, Mrs. Ford signed a document stating: "Upon my death, my daughter Susan Ford Frantzich will inherit the Quail Oaks Ranch 'barn compound,' and adjacent 40 acres." (Exhibit J)
- On 3-14-13, Mrs. Ford signed the 9th Amendment, purportedly revoking the 1st through 8th Amendments, and purportedly appointing Casey Scott Rogers as successor trustee, with James M. Bell as next successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit K)

SEE ADDITIONAL PAGES

Page 3

Petitioner states she has filed a Petition for Probate in this matter to ensure the Court has the power to enforce Mrs. Ford's intent as expressed in Exhibit J whether it is determined to have been expressed as a codicil or a trust instrument.

Petitioner states Mrs. Ford had the power to amend the Survivor's Trust, and frequently exercised that power before her death. She also had the power to allocate the assets of the trust, including the Quail Oaks Ranch property. Mrs. Ford handwrote the document to leave the Quail Oaks Ranch property "barn compound" and adjacent 40 acres to Petitioner. She had her caregiver, Hilda Ceballos, witness the document, showing the gravity and seriousness of her intent to make a change to the disposition of her estate plan. She satisfied the requirements of the trust for amendment by delivering a copy to herself as sole trustee. Petitioner requests that this Court order that the 3-6-13 document is a valid trust amendment.

Petitioner requests that the Court order the following:

1. **Declare the document signed on 6-3-13 is a valid trust amendment;**
2. **For costs herein; and**
3. **For such other orders as the Court may deem proper.**

Response filed 10-8-14 by Casey S. Rogers, Trustee, states the handwritten document does not constitute a valid amendment to the Survivor's Trust. Mr. Rogers believes he is authorized and directed to oppose the petition, as it has been informally raised whether his opposition would constitute a breach of his fiduciary duties (impartiality) to petitioner as a beneficiary.

In light of the conflict issue raised by Petitioner, Mr. Rogers intends to file a separate petition for instructions as to whether he is authorized and empowered to object to and oppose this petition.

Respondent requests this Court order that:

1. **The petition be continued pending the determination of Respondent's anticipated petition for instructions; and**
2. **Such further order be made as this Court may deem proper.**

Note: Respondent's Petition for Instructions was heard 11/17/14. The Court's Order thereon was entered on 2/12/15.

Page 4

NEEDS/PROBLEMS/COMMENTS:

Note: The verification is signed by Petitioner's attorney on her behalf.

1. **Need verification of correct service list.** At #4 of the petition, Petitioner provides names and addresses of those entitled to notice. However, the Notice of Hearing filed 9-29-14 indicates mailing to some people at different addresses than were listed in the petition. Need clarification regarding notice to:
 - Petitioner Susan Frantzich's address: Tollhouse Road or Sample Road?
 - Brandon Rogers: Woodrow Avenue or Saginaw Way?(Also note: Why was notice sent "C/O" ? Direct notice is required per Cal. Rules of Court 7.51.)
 - Casey Scott Rogers: Woodrow Avenue or Lane Avenue?
2. **Need order.**

Attorney Cobb, Lee S.W. (for Casey S. Rogers – Trustee – Petitioner)

Petition to Settlement and Approve First Account and Report of Administration of the Eugene M. and Evelyn I Ford Family Trust - Survivor's Trust; The Eugene M and Evelyn I Ford Family Trust - Marital Trust; and the Eugene M. and Evelyn I. Forf Family Trust - Credit Trust

Eugene M. Ford DOD: 4/25/93	CASEY S. ROGERS, Trustee, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
Evelyn I. Ford DOD: 12/23/13	Account period: 12/23/13-12/31/14		
	Survivor's Trust Accounting: \$2,447,327.99		<p><u>Minute Order 11/2/15:</u> Mr. Keeler states that he wants an amended accounting that is accurate; Mr. Cobb represents that the accounting balances and is correct. Mr. Keeler requests time to meet and confer after the pending depositions set for later this week on the litigation side of this matter. The Court reserves the issue of attorney fees. Mr. Cobb represents that the Pre-trial Discovery Request will be filed in Civil Unlimited tomorrow.</p>
	Survivor's Trust Beginning POH: \$2,423,730.79		
	Survivor's Trust Ending POH: \$ 258,261.60		
Cont. from 081015, 091415, 110215	Marital Trust Accounting: \$1,793,172.79		
Aff.Sub.Wit.	Marital Trust Beginning POH: \$1,461,938.69		
✓ Verified	Marital Trust Ending POH: \$1,307,834.52		
Inventory	Credit Trust Accounting: \$1,814,286.07		
PTC	Credit Trust Beginning POH: \$1,800,300.00		
Not.Cred.	Credit Trust Ending POH: \$0		
✓ Notice of Hrg	Petitioner states upon the death of Eugene M. Ford on 4/25/93, the Family Trust was divided into three separate subtrusts: The Survivor's Trust, the Marital Trust, and the Credit Trust. Evelyn I. ford executed various amendments and other testamentary documents thereafter. Following her death, Susan Frantzich produced a handwritten document dated 3/6/13.		
✓ Aff.Mail	w	On or about 9/22/14, Beneficiary Susan Frantzich filed an Amended Petition for Determination of Validity of Trust Amendment, which disputes the distribution provisions of the Survivor's Trust and the Marital Trust. The Frantzich Petition is currently on hold pending a determination of the appeal: On 8/20/14, the Will, First Codicil, Second Codicil, and Third Codicil were admitted to probate and Petitioner Casey Scott Rogers was appointed as Executor by order of this Court in 14CEPR00536. Petitioner believes there are no assets subject to administration in the estate. On or about 11/4/14, Ms. Frantzich filed a notice of Appeal which is currently pending in the Fifth District Court of Appeal in F070917.	<p><u>Minute Order 9/14/15:</u> Ms. Gould reports that the related estate case (14CEPR00536) is in appeals; the opening brief was just filed last week so the appeal could go on for the next year. Mr. Cobb requests that the issue of ownership of the Tollhouse property be reserved and that the accounting be approved. The matter is continued in order for Mr. Keeler to be present.</p> <p><u>Note:</u> Mr. Rogers filed two discovery motions on 11/3/15 that are set for hearing on 1/6/16.</p> <p><u>Note:</u> It does not appear trial has been set in either this matter or the matter at Page A.</p> <p>1. Need order. See Local Rule 7.1.1.F.</p>
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Duties/Supp			
✓ Objections			
Video Receipt			
CI Report			
9202			<p>Reviewed by: skc</p> <p>Reviewed on: 11/30/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11B – Ford</p>
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
SEE ADDITIONAL PAGES			

Petitioner states this petition is reasonably necessary for the protection of the interests of both the trustee and the beneficiaries of each subtrust given the ongoing disputes and/or objections related to the administration of each trust as raised by Ms. Frantzich. By means of this petition, the trustee seeks timely determination of all matters presented in this account.

Petitioner provides first accounts for each of the three subtrusts for account period 12/23/13 through 12/31/14 and describes misc. matters:

- **Subtrust Funding Plan.** Upon the death of Eugene M. Ford, the assets of the Family Trust were divided and allocated among the three subtrusts; namely, the Survivor's Trust, the Marital Trust, and the Credit Trust. Although the subtrust funding plan (Exhibit S) provided for allocation of the various real properties among the subtrusts, Evelyn I. Ford inadvertently failed to change record title to the various assets in a manner consistent with the subtrust funding plan. Rather, title to various assets remained in the Family Trust. Notwithstanding the failure to change title, Petitioner believes that at all relevant times, Evelyn I. Ford administered the subtrusts in a manner consistent with the allocation of assets provided in the subtrust funding plan, including the filing of taxes through the years. Petitioner has continued to administer the assets of each trust and has prepared the accounting for each trust consistent with the subtrust funding plan.
- **Short Sale of Beach House.** Pursuant to the Subtrust Funding Plan, the Beach House in Pebble Beach, CA, was allocated and distributed 50% to the Survivor's Trust, 7.64% to the Marital Trust, and 42.36% to the Credit Trust. During her lifetime, Evelyn I. Ford obtained a reverse mortgage secured by the beach house. Pursuant to its terms, the outstanding principal and accrued but unpaid interest became due immediately upon her death. As of 1/31/14, the outstanding balance on the reverse mortgage was \$5,172,316.00. The beach house was ultimately sold through a short sale for a total of \$4,250,000.00. After consulting with the accountant, Petitioner is informed and believes that the short sale did not result in any federal and state income taxes with respect to the interest owned by the Survivors and Marital Trusts; however, the sale resulted in federal and state income taxes in the sum of \$399,846.00 with respect to the Credit Trust. The Credit Trust is insolvent such that it will not be able to pay any of the taxes due and owing. Petitioner is in the process of preparing federal and state fiduciary income tax returns consistent with that set forth above.
- **Trustee Compensation In Regard to Short Sale.** Petitioner states he expended considerable time and effort to secure the lender's consent to the sale, which included paperwork, following up on status, and other communications with the lender. Petitioner is a licensed real estate agent, experienced in short sales, and the services provided were of the type typically performed by the listing agent. In recognition of this, the listing agent and broker offered to and did pay Petitioner a short sale processing fee of \$27,597.50 (1% of the total commission payable). The processing fee is the standard and customary fee paid in these types of transactions to a referring agent, particularly where the referring agent spent considerable time navigating the short sale process, and was only paid because Petitioner is a licensed real estate agent. It did not result in any increased costs of sale given that the commission was already due and payable to Coldwell Banker as the agent and broker. Under the terms of each trust, the trustee is entitled to reasonable compensation for services rendered. Petitioner therefore respectfully requests the Court authorize and approve the payment of the short sale processing fee of \$27,597.50 as reasonable compensation for services rendered by Petitioner in connection with the short sale of the beach house.

Petitioner requests this Court to order that:

1. The Petition to Settle and Approve First Account and Report of Administration of the three subtrusts be settled, allowed and approved as filed;
2. The first account of the Survivor's Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
3. The first account of the Marital Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
4. The first account of the Credit Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
5. Casey S. Rogers, as trustee, is authorized to accept the short sale processing fee of \$27,597.50 as his reasonable compensation for services rendered as trustee in connection with the short sale of the beach house; and
6. Such further order be made as this Court may deem proper.

Objection filed 8/7/15 by Susan Ford Frantzich states the accounts for the three subtrusts do not provide the detail required by Probate Code §1061 et seq. A comparison of the schedules shows incompatible figures for purported transactions between the subtrusts. The Property on Hand shown for the Marital Trust shows property to which title is presently undetermined based on Evelyn Ford's handwritten document. The compensation received related to the sale of a trust asset is inappropriate and a breach of the trustee's fiduciary duties. See Objection for specific discussion.

Objector requests the Court order the following:

1. Deny the trustee's prayer for approval and settlement of his first account and report;
2. Order the trustee to properly and fully report and account;
3. Award Objectors' reasonable attorneys' fees and costs by determining that the trustee's first account has been filed and submitted in bad faith; and
4. For such other and further relief as the Court deems proper.

Petitioner filed Reply in Support of Petition on 9/10/15. Petitioner states the objection of Frantzich is made in bad faith and is further evidence of her intent to obstruct and delay the orderly administration of the trust estate.

First Amendment to Co-Trustees' First Account and Petition for Its Approval; for Approval and Allowance of Trustees' and Attorney's Fees and Costs; and for Surcharge of Litigation

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td colspan="3">Albert H. Brown</td></tr> <tr><td colspan="3">DOD: 6/23/11</td></tr> <tr><td colspan="3">Tinnie Lee Brown</td></tr> <tr><td colspan="3">DOD: May 2008</td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td> </td><td>Aff.Sub.Wit.</td><td> </td></tr> <tr><td>✓</td><td>Verified</td><td> </td></tr> <tr><td> </td><td>Inventory</td><td> </td></tr> <tr><td> </td><td>PTC</td><td> </td></tr> <tr><td> </td><td>Not.Cred.</td><td> </td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td> </td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>W</td></tr> <tr><td> </td><td>Aff.Pub.</td><td> </td></tr> <tr><td> </td><td>Sp.Ntc.</td><td> </td></tr> <tr><td> </td><td>Pers.Serv.</td><td> </td></tr> <tr><td> </td><td>Conf. Screen</td><td> </td></tr> <tr><td> </td><td>Letters</td><td> </td></tr> <tr><td> </td><td>Duties/Supp</td><td> </td></tr> <tr><td>✓</td><td>Objections</td><td> </td></tr> <tr><td> </td><td>Video Receipt</td><td> </td></tr> <tr><td> </td><td>CI Report</td><td> </td></tr> <tr><td> </td><td>9202</td><td> </td></tr> <tr><td>✓</td><td>Order</td><td> </td></tr> <tr><td> </td><td>Aff. Posting</td><td> </td></tr> <tr><td> </td><td>Status Rpt</td><td> </td></tr> <tr><td> </td><td>UCCJEA</td><td> </td></tr> <tr><td> </td><td>Citation</td><td> </td></tr> <tr><td> </td><td>FTB Notice</td><td> </td></tr> </table>	Albert H. Brown			DOD: 6/23/11			Tinnie Lee Brown			DOD: May 2008																			Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	W		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp		✓	Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p>GLEN A. BROWN and PAMELA J. BOLIN, Co-Trustees, are Petitioners.</p> <p>Account period: 6/23/11 through 8/31/15 Accounting: \$496,061.28 Beginning POH: \$432,652.20 Ending POH: \$197,303.26 (\$155,803.26 cash plus unimproved real property in Shasta County, personal property items, a promissory note from Glen A. Brown in the amount of \$12,000.00 and \$2,000.00 in reimbursement owed to the trust by Glen A. Brown for excess distribution)</p> <p>Co-Trustee Glen A. Brown: \$1,143.62 (\$1,500.00 less \$356.38 returned)</p> <p>Co-Trustee Pamela J. Bolin: \$1,507.00 In light of the \$432,652.20 value of the assets at commencement of administration, Petitioners believes the total trustee fees of approx. 0.7% of the total value are reasonable and ask that the Court approve the payment of these fees.</p> <p>Barrus and Roberts, PC: \$1,970.00 (paid during account period) plus \$11,911.43 plus \$870.00 filing. Petitioners request the Court approve payment of the fees paid, plus the additional fees and costs as well as additional fees and costs incurred after 10/31/14 as billed to Petitioners. See Exhibit 5.</p> <p align="center"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note re history:</u> On 11/10/14, Co-Trustees Glen A. Brown and Pamela J. Bolin filed their First Account and Petition for its Approval; for Approval and Allowance of Trustees' and Attorney's Fees and Costs; and for Surcharge of Litigation Fees and Costs. Anita Payne objected.</p> <p><u>Minute Order from Settlement Conference on 12/3/15 states, in relevant part:</u> Parties reach settlement and state their agreement for the record. The agreement is signed by each party and by counsel in open court. The Court orders that the original agreement be attached to the Petition for Distribution as an exhibit, along with receipts for prior distributions.</p> <p align="center"><u>SEE ADDITIONAL PAGES</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 11/30/15</td></tr> <tr><td>Updates: 12/1/15</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 13 - Brown</td></tr> </table>	Reviewed by: skc	Reviewed on: 11/30/15	Updates: 12/1/15	Recommendation:	File 13 - Brown
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File 13 - Brown																																																																																																							

Petitioners state Distributions were made as follows: \$2,500 each to eight of the trustors' grandchildren, \$60,000 each to Kathy Short and Dennis Brown, and \$62,000 to Glen A. Brown; however, Petitioners agree that Glen A. Brown shall return the excess distribution of \$2,000 to the trust. Distributions to the two remaining children of the trustors, Pamela J. Bolin and Anita Payne, have been agreed by them to consist of the proceeds from the sale of the residence (\$155,774.25), subject to adjustments made as described on Exhibit 3.

The personal property items are to be distributed in accordance with the settlement agreement, with any items not addressed therein distributed in the co-trustees' discretion. The unimproved real property in Shasta County, CA, will be distributed in accordance with the settlement agreement and the trust provisions. The \$12,000 note owed by Glen A. Brown will be paid to the trust and distributed equally between Pamela J. Bolin and Anita Payne.

Petitioners request that a reserve of \$12,000.00 be held for payment of expenses incurring after this accounting, including but not limited to attorney fees, accountant costs, taxes, and any other costs that may arise. Trustees request that the \$12,000 promissory note be the asset held as the reserve and then when all final expenses have been paid, the balance will be distributed equally between Pamela and Anita.

Petitioners state on 8/23/13, Pamela J. Bolin with the prior knowledge and agreement of Anita Payne, obtained a loan in the amount of \$30,000 to pay what was inadvertently miscalculated as a deficiency in the trust payment to Glen A. Brown and to provide funds for roof repair on the Sylmar residence. Funds were disbursed \$12,000 to Glen A. Brown, \$6,000 as a loan, \$6,000 on the belief that the trust still owed him that amount; \$3,000 to the trust checking account, and \$15,000 retained by Pamela as an advance on her share.

Pursuant to the settlement agreement, the parties have agreed that the \$27,000 will be returned to the trust: \$15,000 will be charged against Pamela's share and Glen has executed a note for \$12,000.

Unlawful Detainer filed against Deborah Payne: The trust incurred costs relative to the unlawful detainer action and in the escrow documents related to the sale of the residence, Anita Payne agreed to imposition of a penalty against her share in the amount of \$5,000. Pursuant to the settlement agreement, this represents full satisfaction of any liability of Anita and her issue pursuant to the unlawful detainer action.

Petitioners pray for an order:

1. Settling and allowing the account and report and approving and confirming the acts of Petitioners for the account period of 3/23/11-8/31/15;
2. Approving the payments made from the trust for trustees' fees in the amount of \$1,143.62 to Glen A. Brown and \$1,507.00 to Pamela J. Bolin;
3. Approving the attorneys' fees and costs of \$1,970.00 paid to Barrus and Roberts, PC, during the account period, and the payment of \$12,781.43 representing additional fees and costs incurred through this petition; and
4. For such other orders as the Court may deem proper.

SEE ADDITIONAL PAGES

Objection filed 12/1/15 by Anita Payne, Beneficiary, states the petition should not be settled or approved and the surcharge for litigation fees and costs should not be allowed on the following grounds:

- Overview of concerns: The parties resolved issues at the settlement conference; however, the petition fails to comply with all of the terms and presents new issues that need to be resolved.
- Incomplete details in accounting: Under Probate Code § 16063(b), an accounting must comply with § 1604, along with an explanation of unusual items.
- Further documentation needed: The parties agreed in the settlement agreement that the trustees would provide documentation verifying and explaining specific itemized expenses. Despite repeated requests, Anita has not been provided sufficient information regarding certain payments. See Objection for specific items.
- Further documentation needed for more recent transactions: In addition to the questioned payments above, disbursements are listed which were not included in the first account between 7/1/14 and 8/31/15. Several of these disbursements include cash withdrawals to Pamela Bolin, no receipts provided. The Co-Trustees should produce documentation justifying these cash withdrawals as trust expenses. These withdrawals took over \$6,000 and left only \$29.01 in the account as of 8/31/15.
- The value and distribution of the Hyundai Sonata is not properly reflected in the accounting. See objection for details.
- The Ord Finance Loan was taken out for Pamela Bolin. In the first petition, the trustees claimed a loan was taken out for the trust for \$30,000 for repair of the real property's roof, yet only \$3,000 was paid into the trust account and the roof was never repaired. The parties clarified and settled the matter as reflected in the settlement agreement that the loan is a personal loan to Pamela Bolin and repayment will be made solely out of her share of the proceeds.
- The Order Finance Loan was taken out of the sale proceeds and needs to be returned from Bolin's share. Upon sale, \$30,570 was taken out of the sale price to pay back the loan. This entire amount, less \$3000 that was placed into the trust account by Bolin, is due back to the trust from Bolin. Bolin owes the trust \$27,570 in repayment.
- Bolin's request for repayment of interest should be withdrawn since the loan was for her benefit: Bolin requests \$660 for interest she paid on the Ord Note. This was a private loan and interest should be paid by Bolin.
- Brown's Promissory Note for \$12,000 is not a trust asset and should be removed from the accounting. Objector does not object to keeping \$12,000 as a reserve, but it should be placed into an interest bearing account. Schedules need to be amended to delete the note from Glen Brown and instead reflect a \$27,570 note from Bolin, to be paid out of her share of distribution from the trust.
- Explanation for the interest-free loan from the trust: Since a trust asset was used as security on the Ord Loan, Bolin and Brown should provide an explanation as to why a co-trustee was allowed to take a loan secured by the trust for two years without any compensation to the trust.
- The penalty requested for the unlawful detainer action is barred by the settlement agreement. The co-trustees are continuing to try to get Anita to pay toward the unlawful detainer action. The settlement agreement states that action is resolved in its entirety and there will be no further action against Anita or any of her issue. Despite this, the petition indicates \$5,000 will be taken out of Anita's share for the unlawful detainer action. The language in the referenced addendum does not support the imposition of this penalty. See Exhibit E. It is unintelligible and therefore unenforceable.

• **SEE ADDITIONAL PAGES**

Dept. 303, 9:00 a.m. Monday December 7, 2015

- Adjustments to allocation of net proceeds: The co-trustees are asking the court to approve reimbursements to Bolin from the trust. However, approval of the reimbursements requires further examination. Nothing is attached to support these charges. The interest paid on the Ord Note should certainly not be reimbursed, the \$1,200 to Dennis Toooh is in question. See objection for details.
- The reimbursement of \$2,070 owed to Anita is not a trust expense and should come from Bolin's share. The loan was determined to belong to Bolin and not the trust. The proposed distributions should reflect a division of assets and then the \$2,070 paid out of Bolin's share to Anita.
- The amounts to be charged against Anita's share should not be approved: See objection for details.
- The rights of the other named beneficiaries need to be addressed: If the approval of the accounting also includes an approval of the proposed distributions, the Court should be aware the other beneficiaries may not have waived their interest in available proceeds from the sale of the house.

See also declarations in support by Anita Payne, Deborah Payne, Stefanie Krause.

Objector requests:

- 1) that the Co-Trustees' request for approval of the First Account as amended be denied;
- 2) that the Co-Trustees' request to surcharge Anita for litigation fees and costs be denied;
- 3) that Pamela Bolin be surcharged \$30,570 for the amount taken out of the sale of the real property for the Ord Loan;
- 4) That the First Account be amended to correct the insufficiencies described herein; and
- 5) Such other and further relief as the court may deem proper.

NEEDS/PROBLEMS/COMMENTS:

1. Pursuant to the Court's Minute Order dated 2/3/15, receipts for the prior distributions were to be attached to this petition. Petitioner provides a spreadsheet of distributions at Schedule C, but no receipts. The Court may require receipts as follows:
 - \$2500 each to the eight (8) grandchildren
 - \$60,000 each to Kathy Short and Dennis Brown
 - \$62,000 to Glen Brown (\$2,000 was to be returned to the trust and \$12,000 owed to Pamela)
 - Distributions pursuant to the petition as well as the settlement agreement, which includes attorney fees to Stephanie Krause and certain payments to Anita Payne, as well as distribution of specific personal property items.

Waiver of First and Final Account and Report of Successor Executor and Petition for Settlement; for Allowance of Compensation to Successor Executor for Ordinary Services and Attorney for Ordinary Services, and for Final Distribution

DOD: 8/29/14		J. PATRICK DODDS, Successor Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>SEE PAGE 2</u>
		Accounting is waived	
		I&A: \$710,658.29	
	Aff.Sub.Wit.	POH: \$744,848.44 (Market value, consisting of personal property items valued at \$5,000.00, decedent's 50% community property interest in various accounts, and a 100% interest in certain accounts, as of 6/30/15)	
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg	Executor (Statutory): Waived	
✓	Aff.Mail	Attorney (Statutory): \$17,213.17	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	Petitioner states that pursuant to the decedent's will, and the Order on Petition for Order Confirming Trust Assets filed 7/30/15 in 15CEPR00598 (In the matter of the Barbara Jean Dodds Revocable Trust dated 1/20/15), the following distribution will be made from the assets on hand as of 6/30/15:	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
		a) To J. Patrick Dodds, Successor Trustee of the Barbara Jean Dodds Revocable Trust, the assets described in the schedule Confirmation of Assets to Spouse, attached as Exhibit B, consisting of the community one-half interest belonging to the decedent's spouse, Barbara Jean Dodds, as provided in Article Second of the decedent's will valued at \$642,063.77 at date of death, and the decedent's separate property interest in the personal effects, furniture, furnishings, etc., as provided in Article Third of the will, valued at \$5,000.00 at date of death. (Total value of assets: \$659,761.64 as of 6/30/15.)	
		<u>SEE PAGE 2</u>	
			Reviewed by: skc
			Reviewed on: 12/1/15
			Updates:
			Recommendation:
			File 14 - Dodds

Page 2

- b) Article Fourth of the decedent's will provides that the residue is to pass to the decedent's spouse, Barbara Jean Dodds, if she survives the decedent, in trust. Mrs. Dodds did survive the decedent, but died 2/17/15, before the testamentary trust and subtrusts could be established and funded.

Prior to her death, and in order to avoid probate of her one-half of the community property (passing herein pursuant to Article Second of the decedent's will), Mrs. Dodds established the Barbara Jean Dodds Revocable Trust dated 1/20/15 and was in the process of gathering the necessary paperwork to effectuate a 50/50 split of the community property belonging to herself and the decedent, to be eventually funded one-half into her trust, and one-half into the testamentary subtrusts as provided in the decedent's will. The physical segregation of the community property assets commenced during the probate of the decedent's estate and the concurrent administration of Mrs. Dodds' trust, and the Order entered in the trust matter on 7/30/15 confirmed the passing of her one-half community property interest to the successor trustee, pursuant to Article Second of the decedent's will. The beneficiaries of the trust are the same as the beneficiaries of the testamentary subtrusts (the two sons).

Since Mrs. Dodds died prior to completion of the probate, Petitioner asserts that it is unnecessary to fund the testamentary subtrusts and it would be more practical to allow direct and outright distribution to the remainder beneficiaries.

Therefore, Petitioner requests distribution of the residue in equal shares as follows:

J. Patrick Dodds: \$363,817.64
Richard G. Dodds: \$363,817.63

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner appears to request that the Court distribute the decedent's post-deceased spouse's (Barbara Jean Dodds) community property interest in certain accounts to her trust pursuant to Article Second of the decedent's will, which confirms to the spouse her community property share of community property assets.

However, the spouse's community property interest is not part of this estate to distribute. Further, Mrs. Dodds' community property interests in those certain accounts were already confirmed as assets of her living trust by Order dated 7/30/15 in 15CEPR00598.

Therefore, the Court may require a revised order excluding this distribution.

2. Petitioner requests that the decedent's personal property items valued at \$5,000.00 be distributed to Mrs. Dodds' living trust, rather than to the two sons outright with the residue. Need clarification and authority regarding this request.
3. The residue distribution amounts do not appear to take into consideration the \$5,000.00 in personal property assets that is proposed to be distributed to the trust; rather, it appears to include this amount.

If the \$5,000 in personal property assets are distributed to Mrs. Dodds' trust, then Examiner calculates distribution at \$361,317.63 each.

Attorney Stephanie J. Krause Cota (for Petitioner Cathryn J. Cummings)

First and Final Report of Administrator with Will Annexed on Waiver of Account and Petition for Confirmation and Approval of Acts of Administrator and for Allowance of Compensation to Attorneys for Ordinary Services, and for Final Distribution

DOD: 10/21/2014		CATHRYN J. CUMMINGS , daughter and Administrator with Will Annexed, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
				1. Need <i>Notice of Hearing</i> and proof of mailed service of the Notice of Hearing pursuant to Probate Code §§ 11601 and 11604(d) for the following person:	
Cont. from		Accounting waived?		• STEVEN SPRING (name uncertain), Attorney in Fact for beneficiary, PATRICIA A. SPRING , as indicated on the <i>Waiver of Accounting by Distributee Patricia A. Spring</i> filed 10/26/2015.	
	Aff.Sub.Wit.			2. <i>Waiver of Accounting by Distributee Patricia A. Spring</i> filed 10/26/2015 is signed by STEVEN SPRING (name uncertain) as Attorney in Fact for beneficiary PATRICIA A. SPRING . Court may require demonstration of the authority of the Attorney in Fact to execute a waiver of accounting on behalf of this beneficiary, such as a copy of the instrument granting that authority.	
✓	Verified	I & A	— \$45,363.80	3. Need proposed order pursuant to Local Rule 7.6.1, containing a statement as to the balance of the estate on hand and the cash amounts to be distributed.	
✓	Inventory	POH	— \$44,329.01 (all cash)		
✓	PTC	Administrator	— waives		
✓	Not.Cred.	Attorney	— \$1,814.55 (statutory)		
✓	Notice of Hrg	Costs	— \$850.50 (filing fee, publication, certified copies)		
✓	Aff.Mail	W/			
	Aff.Pub.				
	Sp.Ntc.	Bond	— \$176,000.00		
	Pers.Serv.	Distribution pursuant to Decedent's Will is to:			
	Conf. Screen	• PEGGY J. WAYTE – \$13,887.99 cash;			
	Letters 052715	• PATRICIA A. SPRING – \$13,887.99 cash;			
	Duties/Supp	• CATHRYN J. CUMMINGS – \$13,887.98 cash.			
	Objections				
	Video Receipt				
	CI Report				
✓	9202				
	Order	X			
	Aff. Posting			Reviewed by: LEG	
	Status Rpt			Reviewed on: 12/1/15	
	UCCJEA			Updates:	
	Citation			Recommendation:	
✓	FTB Notice			File 15 - Chester	

16 Anna B. Ceja (Estate) Case No. 15CEPR00204**Attorney Wall, Jeffrey L (for Rudy Ceja – Administrator)****Probate Status Hearing RE: Proof of Bond**

DOD: 06/16/2006	RUDY CEJA , son was appointed Administrator with full IAEA with bond set at \$10,000.00 on 10/23/2015.	NEEDS/PROBLEMS/COMMENTS: 1. Need Receipt of Bond in the amount of \$10,000.00.
	Minute Order of 10/03/2015 set this Status Hearing for the filing of the Bond.	
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 12/01/2015
		Updates:
		Recommendation:
		File 16 - Ceja

17 Evangeline M. Orchard (Estate) Case No. 15CEPR00556

Attorney Kruthers, Heather H (for Public Administrator)

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 12/24/2012	PUBLIC ADMINISTRATOR , was appointed Administrator with Will Annexed with full IAEA without bond on 08/26/2015.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 08/28/2015.	1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from	Minute Order of 08/17/2015 set this Status Hearing for the filing of the Inventory and Appraisal.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 12/01/2015
		Updates:
		Recommendation:
		File 17 - Orchard

18 Amarrisa Kozorra, Krysta Kozorra (GUARD/P) Case No. 15CEPR00678

Petitioner Verduzco, Joaquin (Pro Per – Step-Father)

Attorney Lovegren-Tipton, Amy R. (for Sandra Kozorra aka Frizel – Objectior -Maternal Grandmother)

Petition for Appointment of Guardianship of the Person

Amarisa Age: 13		<p>TEMPORARY EXPIRES 12/07/2015</p> <p>JOAQUIN VERDUZCO, step-father, is petitioner.</p> <p><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 11/02/2015: Examiner notes provided in open Court. Justin Tidey, father of Krysta, represents that his mother's name is Michelle Tidey and his father's name is Keith Stevens, providing an address for his mother and offering to provide his father's after he obtains it. Ms. Tipton states she will provide Petitioner with an address for her client, maternal grandmother, Sandra Kozorra. Petitioner is directed to provide his address for service of objection documents, but the Court orders that Deena Kozorra not go near Petitioner's home. Any written objections are to be filed and properly served by 11/25/2015. The Court orders that temporary Letters shall issue to Joaquin Verduzco, without prejudice, to preserve the status quo. The Court orders supervised visitation for Deena Kozorra every Saturday from 11am to 1pm at the McDonald's on Kings Canyon and Maple. If Ms. Kozorra is more than 15 minutes late for any visit, then she loses that visit. The Court orders the Court Investigator to interview all parties and report back to the Court with a recommendation.</p> <p><u>Continued on final page</u></p>	
Krysta Age: 11				
Cont. from 091415, 110215				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
<p>Reviewed by: LV</p> <p>Reviewed on: 12/01/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 - Kozorra</p>				

NEEDS/PROBLEMS/COMMENTS continued:

1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:

- Jason Ray Boulware (Father of Amarissa)
- Justin Tidey (Father of Krysta)

Note: Justin Tidey was served by mail on 11/24/2015, only 13 days prior to the hearing and not the 15 days as required. Service was also by mail and not personal service as required.

- Deena Fay Kozorra (Mother)

Note: Deena Fay Kozorra was served by mail on 11/24/2015, only 13 days prior to the hearing and not the 15 days as required. Service was also by mail and not personal service as required.

- Amarissa Kozorra (Minor)

Note: Amarissa was served by mail on 11/24/2015, only 13 days prior to the hearing and not the 15 days as required. Service was also by mail and not personal service as required.

2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:

- Paternal Grandparents (of Amarissa) – Unknown
- Keith Stevens (Paternal Grandfather of Krysta)

Note: Keith Stevens was served by mail on 11/24/2015, only 13 days prior to the hearing and not the 15 days as required.

- Mechelle Tidey (Paternal Grandmother of Krysta)

Note: Mechelle Tidey was served by mail on 11/24/2015, only 13 days prior to the hearing and not the 15 days as required.

- Sandra Frizel (Maternal Grandmother)

Note: Sandra Frizel was served by mail on 11/24/2015, only 13 days prior to the hearing and not the 15 days as required.

3. The Notice of Hearing filed 12/02/2015 does not indicate that a copy of the petition was served along with the notice of hearing at #5 of the proof of service. The Court may require clarification.
4. UCCJEA is incomplete. Need minors' residence information for the past 5 years.
5. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the children have Native American Ancestry was not completed. Need declaration with page #5 attached for each of the minors.

DOD: 2/24/09		ROSALIA LANUZA , Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	CONTINUED TO 1/28/16 Per attorney request
Cont. from 093015		No other proceedings	1. As previously noted, it does not appear this petition can go forward.
	Aff.Sub.Wit.		
✓	Verified	I&A: \$65,000.00 (real property located at 2133 Zozaya Street in Firebaugh, CA)	Attachment #14 indicates the decedent was survived by a spouse (Petitioner) and two minor children.
✓	Inventory		
	PTC		Attachment #11 states the decedent owned a 100% interest in the property, and the attached Grant Deed recorded 6/20/07 grants the property to "Alvaro L. Lanuza, a single man."
	Not.Cred.		
✓	Notice of Hrg	Decedent died intestate	Therefore, it appears the decedent owned this property as his <u>separate</u> property, which would pass 1/3 to Petitioner, and 1/3 to each of his two minor children pursuant to Probate Code §6401(c)(3).
✓	Aff.Mail	W Petitioner requests Court determination that Decedent's 100% interest in the real property passes to her 100%.	
	Aff.Pub.		Note: Declaration filed 9/29/15 amends the prayer to request that the property pass 1/3 to Petitioner and 1/3 each to the two minor children, as described above. However, it does not appear this petition can be amended to this request, since pursuant to Probate Code §13150, all successors in interest must petition, and in this case, two of the successors are minors. No guardian of the estate has been authorized to petition or receive property on their behalf.
	Sp.Ntc.		
	Pers.Serv.		Reviewed by: skc
	Conf. Screen		
	Letters	Update: Declaration filed 9/29/15 amends the prayer to request that the property pass 1/3 to Petitioner and 1/3 each to the decedent's two minor children.	Reviewed on: 11/30/15
	Duties/Supp		Updates: 12/2/15
	Objections		Recommendation:
	Video Receipt		File 19 – Lanuza
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petitioner Johnny Trujillo (Pro Per)
 Petitioner Yesbeth Trujillo (Pro Per)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 10/27/2015; extended to 12/7/2015	NEEDS/PROBLEMS/COMMENTS: Continued from 11/9/2015. Minute Order states examiner notes provided in open court. The following issues from the last hearing remain: <ol style="list-style-type: none"> 1. Proof of service by mail of the Notice of Hearing filed 11/2/2015 shows the notice was not served with a copy of the Petition for Appointment of Guardian as required. 2. Need Attachments 3, 6 and 10 explaining answers to Items 3, 6, and 10 of Petitioner Johnny Trujillo's Confidential Guardian Screening form filed on 8/25/2015. 3. Need Attachments 3 and 10 explaining answers to Items 3 and 10 of Petitioner Yesbeth Trujillo's Confidential Guardian Screening form filed on 8/25/2015.
		JOHNNY TRUJILLO and YESBETH TRUJILLO , paternal uncle and aunt, are Petitioners.	
Cont. from 102715		~Please see Petition for details~	Court Investigator's Report was filed on 10/19/2015.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/O	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	N/A	
✓	Conf. Screen		
	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 12/1/15
			Updates:
			Recommendation:
			File 20 – Garcia

Petition to Determine Succession to Real Property (Prob. Code §13150)

DOD: 5/31/14		MANUEL PACHECO , Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	CONTINUED TO 1/28/16 Per attorney request
		No other proceedings	
Cont. from 102715		I&A: \$75,000.00 (Real property in Firebaugh, CA)	1. It does not appear this petition can go forward as prayed.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		Petitioner states at #9 that the decedent was also survived by children, and also does not state whether the decedent was survived by issue of predeceased child.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		Attachment #14 lists four additional people, but does not indicate their relationship to the decedent.
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		Pursuant to Probate Code §6401, it appears Petitioner would be entitled to a 1/3 share, and the decedent's children and/or issue of predeceased child would be entitled to share the remaining 2/3 share.
<input checked="" type="checkbox"/>	Aff.Mail	w	
<input type="checkbox"/>	Aff.Pub.		Pursuant to Probate Code §13150, all successors in interest must petition together in order for this summary proceeding to be used.
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		Therefore, this petition cannot go forward.
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		2. Petitioner's fee waiver was denied on 9/16/15. Therefore, the filing fee of \$435 is due. Note that the filing fee would be due regardless, since property valued at \$75,000.00 is proposed to pass.
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		3. Petitioner did not provide a proposed order pursuant to Local Rule 7.1.1.F.
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		Reviewed by: skc
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	Reviewed on: 11/30/15
<input type="checkbox"/>	Aff. Posting		Updates: 12/2/15
<input type="checkbox"/>	Status Rpt		Recommendation:
<input type="checkbox"/>	UCCJEA		File 21 – Pacheco
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Age: 4		TEMPORARY EXPIRES 12/07/2015		NEEDS/PROBLEMS/COMMENTS:	
		Kjiyana Nash, non-relative, is petitioner.		1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
		<u>Please see petition for details</u>		<ul style="list-style-type: none"> Father (Unknown) 	
Cont. from				2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
	Aff.Sub.Wit.			<ul style="list-style-type: none"> Paternal Grandparents (Not Listed) Maternal Grandfather (Not Listed) 	
✓	Verified			Note: Notice of Hearing filed 10/07/2015 shows an individual by the name of Kemal Clark was personally serve on 10/01/2015 however it is unclear what the relationship is to the minor.	
	Inventory			3. Notice of Hearing with proof of service filed 10/07/2015 shows Laurie Scott served Kemal Clark who resides in Clovis, New Mexico on 10/01/2015 at 12:00pm and Peggy Clark who resides in Riverdale, Illinois on 10/01/2015 at 12pm. Need clarification.	
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
	Aff.Mail	x			
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report	x			
	9202				
✓	Order				
	Aff. Posting			Reviewed by: LV	
	Status Rpt			Reviewed on: 12/01/2015	
✓	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 22 - Clark	

**23 Shaquille Wortham, Raymond Richardson, Case No. 15CEPR00960
and Jaharri Richardson (GUARD/P)**

Petitioner Johnson, Darneisha (Pro Per – Cousin – Petitioner)

Petition for Appointment of Guardian of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Note: This petition is for Shaquille only. Minors Raymond and Jaharri are currently under the temporary guardianship of Christina Jones, with a general hearing date of 1/11/16.</u> 1. This minor is currently a ward of the Juvenile Court; therefore, this Probate Court does not have jurisdiction to grant a Probate Guardianship for this minor. If this matter goes forward, the following issues exist: 2. Need Court Investigation and clearances pursuant to Probate Code §1513. 3. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Shaquille Wortham (Minor) - Ursula Richardson (Mother) 4. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Louis Wortham (Paternal Grandfather) - Minnie Percy (Paternal Grandmother) - Raymond Richardson (Sibling) - Christina Jones (Guardian of Raymond)
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	Clearances	X		
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 12/1/15	
			Updates:	
			Recommendation:	
			File 23 – Wortham/Richardson	

24 Sherri Melissa Zeno (Estate) Case No. 15CEPR01022**Attorney Bagdasarian, Gary G. (for Virginia Rings-Couch – Petitioner - Parent)****Petition for Letters of Administration with IAEA and with Limited Authority**

DOD: 04/06/2015	VIRGINIA RINGS-COUCH , parent, requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS: 1. Need bond in the amount of \$130,000.00. 2. Need proof of service of the Notice of Petition to Administer Estate pursuant to Probate Code §8110 on the following: <ul style="list-style-type: none">• Anthony Clay• Trinity Sartin• Wyatt Sartin Note: Declaration re Due Diligence in Efforts to Ascertain Whereabouts and Addresses of Heirs filed 11/03/2015 states the grandchildren, all minors, of the decedent has had no contact with the decedent for several years and their whereabouts are unknown. Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none">• Monday, 01/04/2016 at 9:00a.m. in Dept. 303 for the filing of the bond <u>and</u> Monday, 05/02/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Monday, 02/06/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from 111715	Limited Authority – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Residence: Fresno	
<input type="checkbox"/> Inventory	Publication: The Business Journal	
<input type="checkbox"/> PTC	Petitioner states estimated value of the personal property is insurance proceeds in an undetermined amount as a result of a claim of decedent estimated at \$130,000.00.	
<input type="checkbox"/> Not.Cred.	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
Reviewed by: LV		
Reviewed on: 11/16/2015		
Updates:		
Recommendation:		
File 24 – Zeno		

Petition for Letters of Administration; Authorization to Administer under IAEA

DOD: 7/28/15		BRIAN KELLY , Brother, is Petitioner and requests appointment as Administrator with Limited IAEA with bond to be determined. Petitioner is a resident of Pioneer, Louisiana. Limited IAEA – ok Decedent died intestate Residence: Fresno Publication: Business Journal Estimated value of estate: Personal property: \$5,000.00 Real property: \$100,000.00 (\$250,000.00, encumbered for \$150,000.00) Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: 1. Need Duties and Liabilities of Personal Representative and Confidential Supplement. 2. Need Notice of Petition to Administer Estate and proof of service on Chad Kelly (Son) and all other relatives listed at #8 per Probate Code §8110. 3. If only limited IAEA is granted, the Court may require bond of \$5,000.00 to cover the estimated personal property. Reminder: Cal. Rule of Court 7.204 outlines duty to apply for increased bond upon necessity. 4. Need Order. Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> Monday, 05/02/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> Monday, 02/06/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
<input type="checkbox"/>	Aff.Sub.Wit.			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Verified			<input type="checkbox"/>
<input type="checkbox"/>	Inventory			<input type="checkbox"/>
<input type="checkbox"/>	PTC			<input type="checkbox"/>
<input type="checkbox"/>	Not.Cred.			<input type="checkbox"/>
<input type="checkbox"/>	Notice of Hrg			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Mail			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Aff.Pub.			<input type="checkbox"/>
<input type="checkbox"/>	Sp.Ntc.			<input type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>		
<input type="checkbox"/>	Conf. Screen	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>		
<input type="checkbox"/>	Duties/Supp	<input checked="" type="checkbox"/>		
<input type="checkbox"/>	Objections	<input type="checkbox"/>		
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>		
<input type="checkbox"/>	CI Report	<input type="checkbox"/>		
<input type="checkbox"/>	9202	<input type="checkbox"/>		
<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>		
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>		
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>		
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/>	Citation	<input type="checkbox"/>		
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>		

Reviewed by: skc
Reviewed on: 12/1/15
Updates:
Recommendation:
File 26 - Kelly

Petition for Letters of Administration with IAEA

DOD: 06/24/15	ANNE DEFORD , daughter, is Petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
		Note: Status hearings will be set as follows:
Cont. from	Full IAEA – OK	<ul style="list-style-type: none"> • Monday, 05/02/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal; and • Monday, 02/06/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
<input type="checkbox"/> Aff.Sub.Wit.	All heirs waive bond	
<input checked="" type="checkbox"/> Verified	Decedent died intestate	<p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Residence: Fresno Publication: The Fresno Bee	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
Estimated Value of the Estate: Annual income - \$12,000.00 Real property - 88,000.00 Total - \$100,000.00 Probate Referee: STEVEN DIEBERT		Reviewed by: JF Reviewed on: 12/01/15 Updates: Recommendation: SUBMITTED File 27 - Brouwer

Petitioner Lucy Salas (Pro Per Petitioner)

Petition for Appointment of Temporary Guardian of the Person

Age: 11 years	TEMPORARY GRANTED ON COURT'S OWN MOTION EXPIRES 12/7/2015		NEEDS/PROBLEMS/COMMENTS: Continued from 11/9/2015. Minute Order states matter is continued for service as to the parents.
Cont. from 110915	LUCY SALAS, maternal aunt, is Petitioner.		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	X		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LEG
			Reviewed on: 12/1/15
			Updates:
			Recommendation:
			File 28 – Menchaca

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 09/05/06	<p>ELIZABETH FELIX, daughter, was appointed Administrator with full IAEA and without bond on 03/20/07. Letters of Administration were issued on 03/21/07.</p> <p>Final Inventory & Appraisal filed 04/13/07- \$160,000.00</p> <p>Notice of Status Hearing filed 07/17/13 set this matter for status on 09/06/13.</p> <p>Status Report filed 08/19/15 states: The estate has not received the funds from the sale of real property by the Fresno County Tax Collector. The funds have not been released by the Fresno County Supervisors. This matter is set to be approved before the Board of Supervisors on 09/01/15. The reason for the delay is stated to be contributed to the building water issue that required the closing of the building. If approved on 09/01/15, in accordance with state law, the County Tax Collector's Office would need to wait an additional 90 days before payment could be made.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>First & Final Account filed 11/30/15 and set for hearing on 01/26/16</p>
Cont. from 090613 101113, 101714, 111714, 011215, 082415, 113015		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: JF</p> <p>Reviewed on: 12/01/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 29 – Estrada</p>		